

3/25/16

Marin County Dept of Public Works
PO Box 4186
San Rafael CA 94913

Re: Northwest Pacific Railroad etal APN. 157-051-09
Request for Project Information / Environmental & property damage
Stop Work Request / Project and Environmental Permits Required

From: Beattie Trust / CO: Jim Armstrong
APN. 157-061-01,39
172 Beattie, Novato CA

Attn: Department of Public Works / Senior Engineer

This is a request for the review of any proposed property improvements ("project") currently under consideration by Marin County in reference to APN 157-051-09, per attached, land owned by Northwest Pacific Railroad in the Blackpoint area.

This letter also requests a stop work order including our demand re such regarding any work currently under consideration or that has been proposed, including that no permits should be issued in this location without a full environmental review and clearance. If a project has been proposed the full scope of the needed work needs to be included including a wetland delineation and review. Additionally significant hydrology problems exist on this property. The project location is located in a wetland marsh, and the true scope of this project needs to be properly evaluated. Under no circumstances should any fill be placed in this location without proper review. Any suggestion that working in this location is exempt from significant environmental review is incorrect and a negative dec is not applicable. If such a clearance is being granted it is incorrect and flawed.

I represent the Beattie Trust who is the adjacent property owner to the subject property and have lived on Beattie Road for over 30 years.

There are many issues relating to this request. The RR property has been illegally filled by the RR in this location on a ongoing basis without authorization or permits. There are a number of examples of this that we will specify.

At the base of the Beattie Marsh on the RR property is a broken culvert. Said culvert has been in a state of disrepair for a number of years. The RR is negligent in a number of regards relating to their failure to maintain their property and illegally filling this location.

The results of said matters is that significant hydrology problems exist relating to the failed culvert and filling which has caused a significant change in drainage flow that has damaged our property and is flooding this location. A list of photos are attached.

By filling this area, the normal and natural flow of tidal waters are impacted with the result of additional flooding and property damage to neighbors. The full scope of what's going on here needs to be reviewed.

If you travel to the end of Beattie Road you can view the conditions that also are shown on attached pictures. Any filling disrupts the natural tidal flow.

The railroad seeks to build up a significant road area that is on their property with more gravel and fill. There are a number of significant areas in this area that have been illegally filled and building up a road across this marsh is not acceptable.

Another issue is that the RR actually does not have legal access across Beattie Ave. This is a matter that has been extensively researched by title Companies and confirmed.

The access issue however is not relevant to this request. Building up a road however on their property in a marsh by grading and filling should not be allowed. Added to this is that the RR seeks to rebuild the road portion on their property to also serve an illegal marsh residence shown on the edge of their RR Line parcel. There is a lengthy history of this that we can provide additional information about. This is an old marsh home that is not connected to upland parcels, Beattie Ave, Hunter Club Tract or the adjacent Havenwood Ave. This is an old Boardwalk home that related to State Tideland Lease. The railroad's land is considered unimproved land that supports the RR tracks and not an improved residence. The home is undocumented, non code and lacking proper permits. The Railroad has improved and filled the road across the marsh to accommodate said structure. Years ago it was occupied by a retired employee of the RR who passed away a few years back. That party claimed State of Cal lease rights.

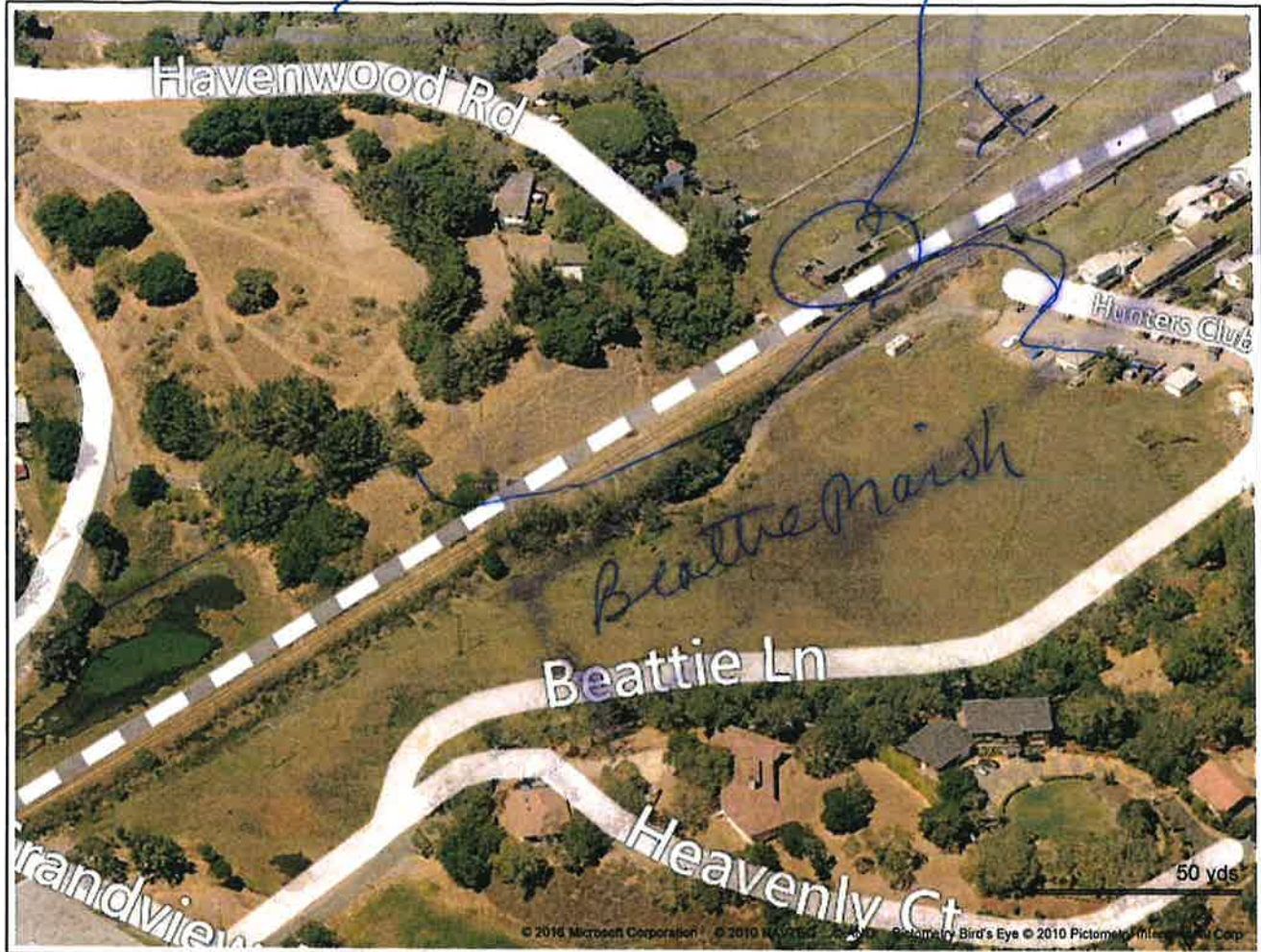
It should be noted that the RR has 2 other historic accesses to their property from the Grandview and Harbor Drive locations. A property owner on the other side used to allow access to that structure, but ultimately revoked it many years ago. As the illegal structure is not the subject of this request I won't address further details at this time.

Beattie Marsh. The Beattie Marsh encompasses a significant land area and is a tidal marsh that drains and fills every day. The marsh accepts both daily tidal flow and fresh water runoff from all of the adjacent drainages in the Blackpoint area. A proper hydrology review needs to be made. The marsh fills, containing a significant volume of water. All of this water is channeled to the broken culvert at the base of the marsh on the RR's property. It's clear that aside from the fact that the draining culvert has collapsed and has not properly functioned for many years, that it also is seriously undersized. The answer to this needs to be based on a proper review.

Project Scope: Any project consideration needs to include the proper scope.

The RR has dropped gravel here on an ongoing basis for many years. Said gravel has washed down the creek on the creek side of the culvert. The drainage from this large marsh flows aggressively across the surface (see photos) and through what's left of the broken culvert and has caused extensive damage to the river side of the culvert on both

3025 Hunters Club Boardwalk marsh house
 APN - 157-051-09 Mapped Listings Report



● Current MLS Listings □ Current MLS Listings - Parcel ● Pending Listings ● Expired Listings ● Open Houses (Within 14 days)
 □ Parcel Outline ● MLS Listed Sales □ MLS Listed Sales - Parcel □ County Recorded Sales - Parcel ● Current Rental Listings

Listings

#	Listing #	Status	Address	City	Zip Code	Area	Type	\$ LP/SP	BD	BA	Sq Ft	'Acres
1	21514615	Expired	128 Beattie Ave	Novato	94945-3502	Novato	RESI	650,000	4	3	2100	0.2259

Presented By: James L Armstrong Lic:00596320//Bradley Real Estate-Novato Phone: 415-606-6864 Lic:01319623

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U.S. Patent 6,910,045

Mapped Listings Report



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Listings

#	Listing #	Status	Address	City	Zip Code	Area	Type	\$ LP/SP	BD	BA	Sq Ft	Acres
1	21309248	Sold	31 Hillside Ter	Novato	94945	Novato	RESI	380,000	1	1	632	0.0499

Presented By: James L Armstrong Lic:00596320//Bradley Real Estate-Novato Phone: 415-606-6864 Lic:01319623

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U.S. Patent 6,910,045





excessive Damage

project location

all this land was filled -



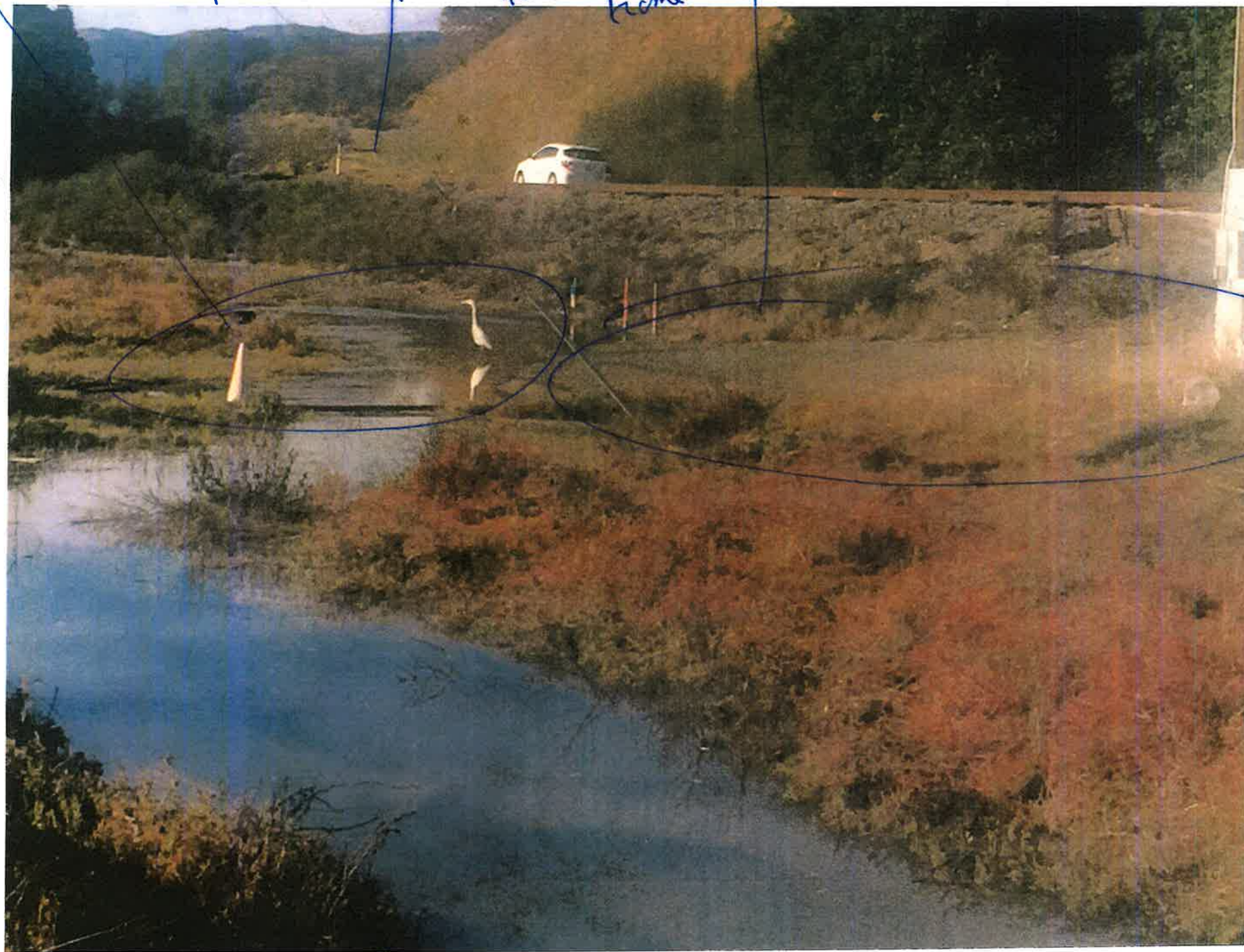
Filled land has changed creek alignment

This area cannot be filled

prior Access to Boardwalk home

Filled land has changed

hydrology

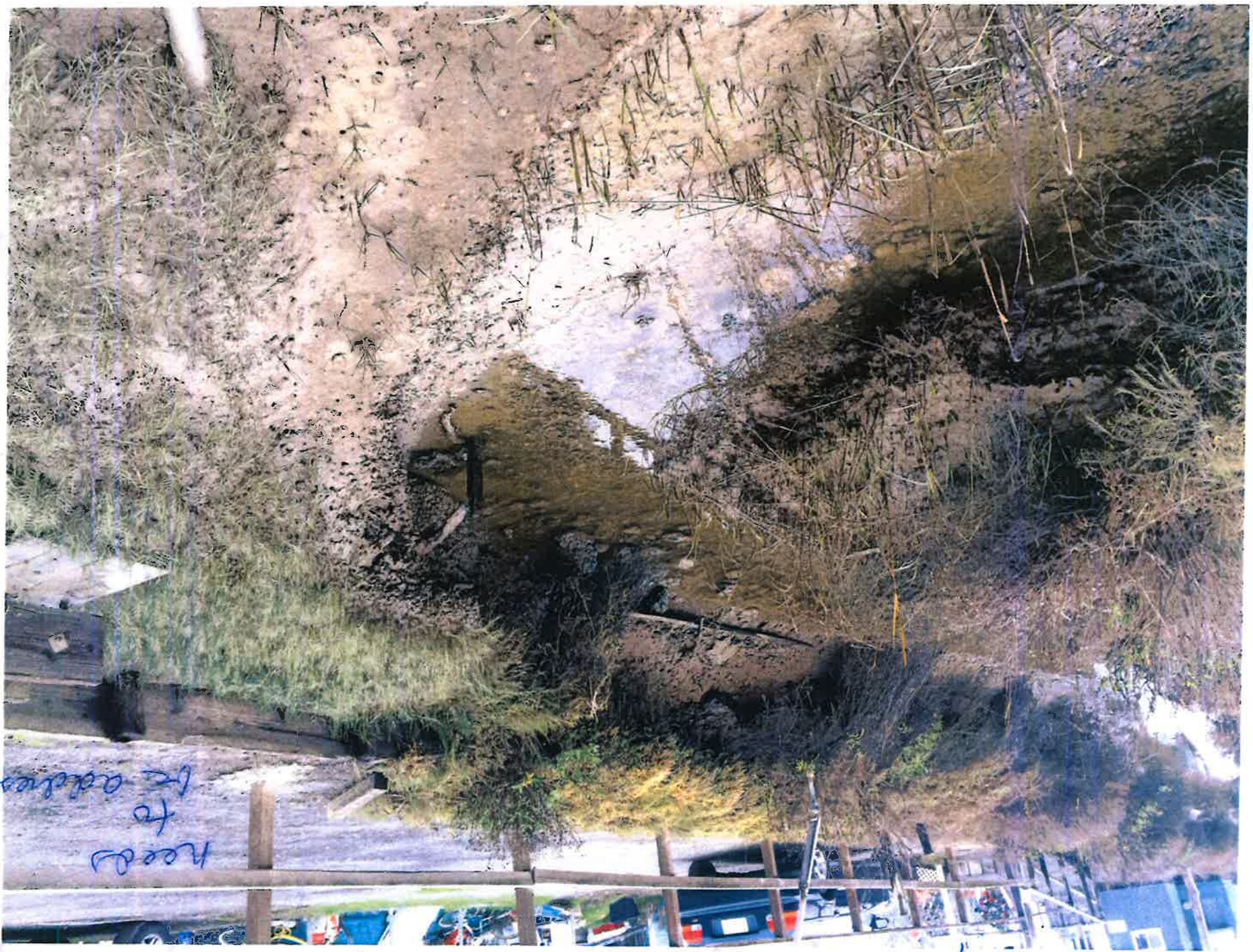


Damage / aggressive overflow of Beattie marsh -





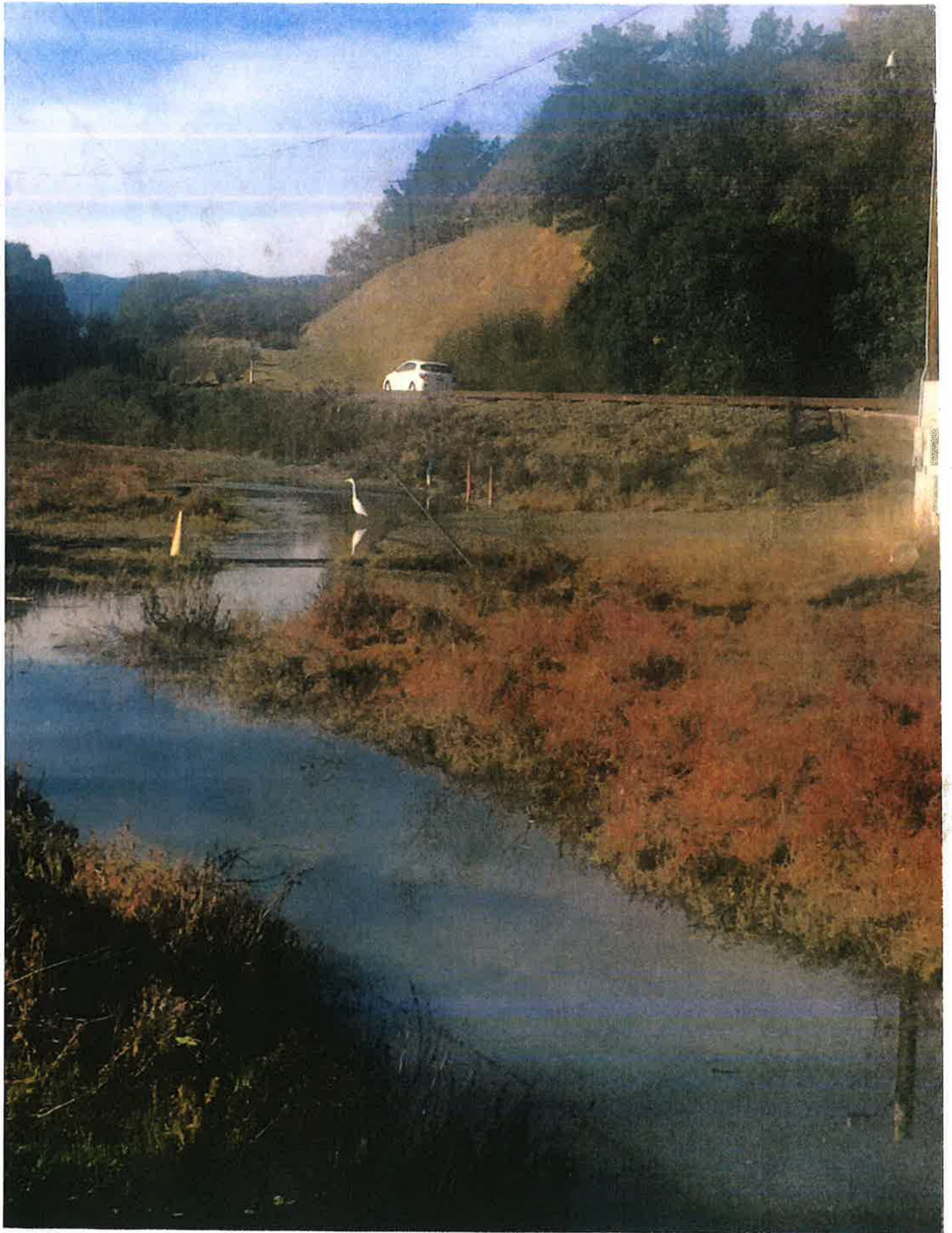
Check timing next and damage to RR & adjacent property



Needs
to
be addressed

Fixed and blocked road







Filled land has altered creek flow

AND
time
Flow









Green / Inquest & Namas - needs to be
renewed.







